

Exhibit J #01

Chronology of events

CHRONOLOGY OF EVENTS IN THE BROWN, NELTHROPE AND HARRIS SETTLEMENTS

- **September 11, 2007** – A Wayne County jury renders a verdict in favor of Gary Brown and Harold Nelthrope and against the City of Detroit and Mayor Kwame Kilpatrick, in the amount of \$6.5 million;
- **September 19, 2007** – The City of Detroit Law Department comes before the City Council, and, in closed session, advises against any settlement short of one which would be an “awfully awfully awfully attractive figure” to the City. The Law Department’s position is that it would be against the City’s best interests because it could set a precedent whereby any City employee or officer could write a damaging memo and then file a subsequent whistleblower action, profiting thereby.
- **October 9, 2007** – After Michael Stefani, the Plaintiffs’ attorney in the Brown and Nelthrope cases, files post-trial motions for attorneys’ fees and mediation sanctions, Wayne County Circuit Judge William Callahan enters an “ORDER REGARDING FACILITATION.” The order appoints former Judge Val Washington to serve as facilitator with the purpose of the facilitation to resolve “the amount of the award to Plaintiffs for attorneys fees.”
- **October 17, 2007** - The court-ordered attorney fee facilitation goes forward but fails to resolve the fee dispute.
 - ✓ As the facilitation is drawing to a close, Mr. Stefani, delivers a supplemental brief in support of his motion for attorneys’ fees to the Mayor’s attorney, Sam McCargo. This brief includes some of the text messages that show, among other things, a personal romantic relationship between the Mayor and Ms. Beatty.
 - ✓ Within hours *after* the formal facilitation and McCargo is given the supplemental brief, the parties -- with the direct involvement of the Mayor and the Law Department - negotiate an immediate *global* settlement of all claims, including the still-pending case of *Walter Harris v. City of Detroit, et al.*, for a total of \$8.4 million (\$8 million to Nelthrope and Brown, including all attorneys fees, interest and mediation sanctions, and \$400,000 to Harris).
 - ✓ The settlement is reached *only* after it is agreed that the text messages will never be publicly disclosed.
 - ✓ The parties agree to keep certain confidential documents under lock and key in a safety deposit box, to be opened only in the presence of both Mr. McCargo and Mr. Stefani. These documents

include the personal text messages and documents related to the purchase of Ms. Beatty's house. The confidentiality provisions of the settlement agreement further provide that once all the plaintiffs and their attorneys have been fully paid, the contents of safety deposit box is to be turned over to the Mayor.

- ✓ A typed agreement recites both the monetary settlement (\$8.4 million) and the confidentiality agreement. This document is entitled "Settlement Agreement." It is signed, on behalf of "Mayor Kwame Kilpatrick," by Ms. Colbert-Osamuede and Mr. Sam McCargo. It is also signed, on behalf of the "City of Detroit," by Ms. Colbert-Osamuede and Mr. Wilson Copeland.
- ✓ This same evening, John Johnson, Corporation Counsel, calls Council Member Kenyatta, and requests that the matter be placed on the agenda for the Internal Operations Committee (IOC), of which he is the Chair, for the meeting scheduled for the next day, October 18, 2007.
- **October 18, 2007** - The proposed settlement is presented, for the first time, to the Internal Operations Committee of the Detroit City Council by Valerie Colbert-Osamuede, on behalf of the Law Department.
 - ✓ The only "Agreement" disclosed by Ms. Colbert-Osamuede is the monetary settlement, with no mention of any of the confidentiality provisions.
 - ✓ The Law Department produces and distributes to Council a "Lawsuit Settlement Memorandum," signed by Ms. Colbert-Osamuede and approved by John Johnson that also is silent as to the confidentiality and secrecy issues. The Memo recommends that Council approve the total amount of \$8.4 million, as does the Law Department when it appears before the IOC.
 - ✓ The only reasons presented to Council for recommending the settlement in this amount at this time (after less than a month earlier when the Law Department was far more cautious), are: 1) the potential cost to the City, by way of future interest on the original verdict, in the event of losing an appeal; and 2) additional future attorneys fees. The IOC voted it out, without recommendation, to the full body;
- **October 19, 2007** - The Detroit Free Press serves the City of Detroit with an FOIA request. Among other things, it requests "(t)he entire settlement agreements" connected with this litigation, including but not limited to "all

documents, attachments, exhibits, notes or other information related to the settlements;”

- **October 23, 2007** - The settlement is brought before the full Council by the Law Department for immediate final consent and approval.
 - ✓ The sole reasons given for recommending the settlement are to “avoid the uncertainty of appeal” and, in the Harris case, due to the fact that the allegations are “inflammatory and salacious” and will therefore “be prejudicial” to the Defendants. The settlement is approved.
 - ✓ At no time is Council *ever* advised as to the existence of any “confidentiality agreement,” let alone the contents or significance of such an agreement. Council is advised only that the terms of the settlement are monetary, \$8.4 million;
- **October 27, 2007** – The Mayor files with the Wayne County Circuit Court a “NOTICE OF REJECTION OF PROPOSED SETTLEMENT TERMS ARISING OUT OF OCTOBER 17, 2007 FACILITATION.” This document was never disclosed to Council. Significantly, it is signed *only* by “Mayor Kwame Kilpatrick,” and lacks an attorney’s signature. On its face, however, it appears to have been prepared by an attorney.
- **November 1, 2007** – Several very significant events occur on this day:
 - ✓ Brown and Nelthorpe sign a formal and notarized (by Mr. Stefani) “Settlement Agreement and General Release.” Harris signs another identical agreement. These documents do not refer to or disclose the existence of the Confidentiality Agreement. It is not, on this date, signed by the Mayor or any of his legal representatives;
 - ✓ Formal execution of a “Confidentiality Agreement,” the same terms of which are set forth in an original typed document that was created on October 17th. This “Confidentiality Agreement” prohibits the disclosure to anyone of certain text messages between Kwame Kilpatrick and his Chief of Staff, Christine Beatty, referred to as the “K/B records.” This agreement is signed by Kwame Kilpatrick, “individually and personally,” Christine Beatty “individually and personally,” and the Plaintiffs’ attorney, Michael Stefani. Neither this Confidentiality Agreement, nor even its existence, were ever disclosed to the Detroit City Council;
 - ✓ “Kwame Kilpatrick” (with no title or designation) signs a “NOTICE OF DESIGNATION OF REPRESENTATIVE FOR PURPOSES OF RECEIPT OF RECORDS AND NOTICES OF INQUIRIES UNDER

CONFIDENTIALITY AGREEMENT,” appointing a private attorney, William Mitchell as the “designated representative of Kwame Kilpatrick and Christine Beatty for purposes of receipt of the ‘K/B records’ referred to in the Confidentiality Agreement” referenced above; and

- ✓ A document entitled “NOTICE OF MAYOR KWAME KILPATRICK’S APPROVAL OF TERMS AND CONDITIONS OF SETTLEMENT *AS APPROVED BY CITY COUNCIL ON OCTOBER 23, 2007*,” (emphasis added) is signed by the Mayor and filed with the Wayne County Circuit Court. This Notice makes no reference to the “Confidentiality Agreement” cited above;
- **December 5, 2007** –Two documents entitled “Settlement Agreement and Release,” are 1) as to the Brown and Nelthrope Agreement, signed by Sam McCargo on behalf of Mayor Kwame Kilpatrick, and Wilson A. Copeland on behalf of the City of Detroit; and 2) as to the Harris agreement, signed by Valerie Colbert-Osamuede on behalf of both Mayor Kwame Kilpatrick and the City of Detroit;
- **December 11, 2007** - The settlement is recited on the record before Judge Michael Callahan of the Wayne County Circuit Court, at which time the only agreement referenced is the “Settlement Agreement and Release.” The “Confidentiality Agreement” is not mentioned;
- **January 3, 2008** - The Free Press files a complaint in the Wayne County Circuit Court alleging that the City has failed, in its response, to fully comply with the Freedom of Information Act. The case is assigned to Wayne County Circuit Court Judge Robert Colombo, Jr.
- **January 30, 2008** – As part of the FOIA litigation, the Free Press takes the deposition of Michael Stefani pursuant to court order, in which he describes all the details of the settlement. In addition, several exhibits are produced, including the typed “settlement agreement” that spelled out all significant details of the October 17th agreement.